

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 22-20552-CR-Gayles/Torres**

**UNITED STATES OF AMERICA**

**vs.**

**DAVID RIVERA,**

**Defendant.**

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**GOVERNMENT’S UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO  
RESPOND TO DEFENDANT DAVID RIVERA’S MOTION  
FOR MISCELLANIOUS RELIEF**

The United States of America, by and through the undersigned Assistant United States Attorney, respectfully submits this motion for an extension of time to file its response to David Rivera’s (“Rivera”) motion for miscellaneous relief [DE 71].

For the reasons set forth below, the government is seeking a one-week extension – which the defendant does not oppose – until July 14, 2023, to file its response to Rivera’s motion.

1. On or about November 16, 2022, a grand jury sitting in this district returned an indictment charging Rivera and his co-defendant Esther Nuhfer (“Nuhfer”) with violating the Foreign Agents Registration Act and related offenses for acting as agents of the Government of Venezuela.

2. Rivera was arrested in December 2022 and he and his co-defendant were both released on personal surety bonds. Rivera’s bond conditions included provisions that, in part, limited his travel to several judicial districts in the United States, required the surrender of his passport, and prohibited him from directly or indirectly having contact with victims and witnesses

in the investigation or prosecution of the offenses charged in the indictment [DE 30].

3. To date, neither Rivera nor his co-defendant have been arraigned in this matter due to pending litigation relating to certain forfeiture matters that they claim are impeding their ability to retain permanent counsel. As a result, neither Rivera nor Nuhfer have entered a plea in this case and no trial date has been set by the Court.

4. In his motion, Rivera is seeking permission to travel to Venezuela to meet with Raul Gorrin (“Gorrin”), a Venezuelan attorney, who Rivera claims is providing him with legal advice relating to the pending indictment and a federal civil lawsuit filed in the Southern District of New York.

5. The government intends to oppose Rivera’s motion to the extent that he is seeking permission to travel to Venezuela (or outside the United States generally) and to have direct contact with Gorrin, who is a fugitive from justice having been previously indicted in this district and sanctioned by the U.S. Department of the Treasury, Office of Foreign Assets Control, and a potential fact witness in this case.

6. The government is seeking a one-week extension to file its response to the pending motion because the undersigned Assistant United States Attorney, the lead attorney in this matter, is currently on leave, having a pre-planned two-week vacation scheduled for the weeks of June 26<sup>th</sup> and July 3<sup>rd</sup>.

7. Pursuant to the local rules, the government has conferred with Rivera’s counsel who informed the undersigned that the defense does not object to the government’s request for a one-week extension to file its response.

**WHEREFORE,** the government respectfully requests that this Court grant the

government's motion for a one-week extension until July 14, 2023, to file its response to Rivera's Motion for Miscellaneous Relief [DE 71].

Respectfully submitted,

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

By: /s/ Harold E. Schimkat  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on July 30, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Harold E. Schimkat

Harold E. Schimkat  
Assistant United States Attorney